

26-45-105 Private right of action.

- (1) An individual whose legal rights arising under this chapter have been violated after June 30, 2003, may recover damages and be granted equitable relief in a civil action.
- (2) Any insurance company or employer who violates the legal rights of an individual arising from this chapter shall be liable to the individual for each separate violation in an amount equal to:
 - (a) actual damages sustained as a result of the violation;
 - (b)
 - (i) \$100,000 if the violation is the result of an intentional and wilful act; or
 - (ii) punitive damages if the violation is the result of a malicious act; and
 - (c) reasonable attorneys' fees.

Enacted by Chapter 120, 2002 General Session